

47352 XV

RENNER, OTTO, BOISSELLE & SKLAR

Attorney Docket No. SCHWP0185USA

PATENT (OUS)



**COMBINED DECLARATION AND POWER OF ATTORNEY**  
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT)

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: **PATIENT POSITIONING SYSTEM FOR RADIOTHERAPY/RADIOSURGERY BASED ON MAGNETICALLY TRACKING AN IMPLANT**

the specification of which

☐ is attached hereto, or

☐ was filed as United States Application or PCT International Application (give Express Mail label number and deposit date if Application number not yet known):

Application No.:  
(Express Mail Label No.)  
Filing Date:  
(Deposit Date)  
Amended on (if applicable):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56(a).

**PRIORITY CLAIM**

I hereby claim priority benefits under Title 35, United States Code, §119 of (i) any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed; and (ii) any United States provisional application(s) that is/are listed below.

☐ no such applications have been filed.  
☒ such applications have been filed as follows.

**EARLIEST FOREIGN/PROVISIONAL APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			Yes	No
EP	02 017 736.6	August 8, 2002	X	
US	60/464,247	April 21, 2003	X	

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Armand P. Boisselle, Reg. No. 22,381; Warren A. Sklar, Reg. No. 26,373; Don W. Bulson, Reg. No. 28,192

The undersigned to this declaration and power of attorney hereby authorizes the U.S. attorney(s) named herein to accept and follow instructions from

Authorized representative: Schwabe Sandmair Marx, Stuntzstraße 16, D-81677 München, Germany

as to any actions to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney(s) and the undersigned. In the event of a change in the person(s) from whom instructions may be taken, the U.S. attorney(s) will be so notified by the undersigned.

**Send Correspondence To**

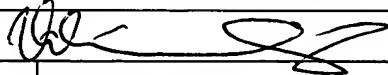
**Direct Telephone Calls To:**

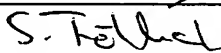
(name and telephone number)

Don W. Bulson, Esq.  
Renner, Otto, Boisselle & Sklar, P.L.L.  
1621 Euclid Ave., 19th Floor  
Cleveland, Ohio 44115

Don W. Bulson  
(216) 621-1113

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

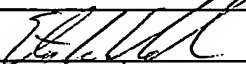
<b>Full Name of Sole or First Inventor:</b> Stefan Vilsmeier			
Inventor's signature:		Date:	September 10, 2003
Residence: (City & State/Country):	Kufstein, Austria	Citizenship:	German
Post Office Address:	Oberer Stadtplatz 6 6330 Kufstein AUSTRIA		

<b>Full Name of Additional Joint Inventor (if any):</b> Stephan Fröhlich			
Inventor's signature:		Date:	September 12, 2003
Residence: (City & State/Country):	Aschheim, Germany	Citizenship:	German
Post Office Address:	Rotwandstraße 13 85609 Aschheim GERMANY		

CHECK FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

- ☒ Signature for additional joint inventors.  
☐ Added page to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.  
☐ This declaration ends with this page.

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR SIGNATURE BY THIRD AND SUBSEQUENT INVENTORS**

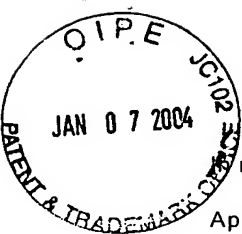
<b>Full Name of Additional Joint Inventor (if any):</b> Stephan Erbel			
Inventor's signature:		Date:	Sept. 12, 2003
Residence: (City & State/Country):	München, Germany	Citizenship:	German
Post Office Address:	Richard-Strauss-Str. 11 81677 München GERMANY		

<b>Full Name of Additional Joint Inventor (if any):</b>			
Inventor's signature:		Date:	
Residence: (City & State/Country):		Citizenship:	
Post Office Address:			

<b>Full Name of Additional Joint Inventor (if any):</b>			
Inventor's signature:		Date:	
Residence: (City & State/Country):		Citizenship:	
Post Office Address:			

<b>Full Name of Additional Joint Inventor (if any):</b>			
Inventor's signature:		Date:	
Residence: (City & State/Country):		Citizenship:	
Post Office Address:			

<b>Full Name of Additional Joint Inventor (if any):</b>			
Inventor's signature:		Date:	
Residence: (City & State/Country):		Citizenship:	
Post Office Address:			



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re PATENT application of:

Applicants: Stefan Vilsmeier et al.

Serial No:

Filed:

Title: PATIENT POSITIONING SYSTEM FOR RADIOTHERAPY/RADIOSURGERY  
BASED ON MAGNETICALLY TRACKING AN IMPLANT

Art Unit:

Examiner:

Attorney Docket No. SCHWP0185USA

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST**  
**(REVOCATION OF PRIOR POWERS AND EXCLUSION OF INVENTIVE ENTITY)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The assignee of the entire right, title and interest of the above identified patent application, by virtue of an assignment, [X] copy attached [] recorded in the Patent and Trademark Office at Reel <REEL>, Frame <FRAME>, hereby revokes all powers of attorney previously given and hereby appoints the following attorneys to prosecute and transact all business in the Patent and Trademark Office connected with the above referenced application and to the exclusion of the inventive entity or any prior assignees.

Don W. Bulson, Registration No. 28,192

Send correspondence and direct telephone calls to:

Don W. Bulson, Esq.  
**RENNER, OTTO, BOISSELLE & SKLAR**  
1621 Euclid Avenue, 19th Floor  
Cleveland, Ohio 44115

Tel: 216-621-1113

Fax: 216-621-6165

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified below.

The undersigned further declares that he is empowered to act on behalf of the assignee, and that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

BrainLab AG

Date: 23.9.03By: 

Name:

Title:

ASSIGNMENT OF APPLICATION FOR PATENT

WHEREAS:

NAME(S) AND  
ADDRESS(ES) OF  
INVENTOR(S)

Stefan Vilsmeier  
Oberer Stadtplatz 6  
6330 Kufstein  
Austria

Stephan Fröhlich  
Rotwandstraße 13  
85609 Aschheim  
Germany

Stephan Erbel  
Richard-Strauss-Str. 11  
81677 München  
Germany

(hereinafter referred to as ASSIGNOR), have invented a certain invention entitled:

TITLE OF  
INVENTION

PATIENT POSITIONING SYSTEM FOR RADIOTHERAPY/RADIOSURGERY BASED  
ON MAGNETICALLY TRACKING AN IMPLANT

for which application for Letters Patent of the United States has been:

[authorization is hereby given for any attorney of record in the subject patent application to insert below the application number and filing date information for this application when that information becomes available]

PARTICULARS OF  
APPLICATION

☐ executed concurrently herewith,  
☒ filed under U.S. Application No. 10/634,133 on August 4, 2003,  
☐ filed under PCT Application No. \_\_\_\_\_ on \_\_\_\_\_, or  
☐ filed under Express Mail Label No. \_\_\_\_\_ on \_\_\_\_\_.

WHEREAS:

NAME, STATE OF  
INCORPORATION  
AND ADDRESS OF  
ASSIGNEE

BrainLab AG  
Ammerthalstr. 8  
85551 Kirchheim/Heimstetten  
GERMANY

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention and the United States Letters Patent to be obtained therefor.

Now, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that for One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE, its successors and assigns, the entire right, title and interest to said invention so far as concerns the United States and the Territories and Possessions thereof, including the right to claim priority, and said application and all Letters Patent of the United States to be obtained on said application or any continuation, division, renewal, substitute or reissue thereof for the full term or terms for which the same may be granted.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent as may be known and accessible to ASSIGNOR and

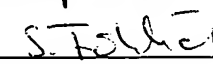
will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain and enforce said application, said invention and said Letters Patent which may be necessary or desirable to carry out the purposes hereof.

FULL NAME(S) OF  
INVENTORS(S)

Date September 10, 2003

  
Stefan Vilsmeier

Date September 12, 2003

  
Stephan Fröhlich

Date September 17, 2003

  
Stephan Erbel

Z:\SEC152\152\DWB\ISCHW\PIP0185\IP0185USA.ASSN.wpd (A-OUS-4.A4) (1/99)